



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

07 FEB 2007

Michael Muczynski
Marshall, Gerstein & Borun, LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

In re Application of	:	
MEYER, et al.	:	
Application No.: 10/539,877	:	
PCT No.: PCT/EP03/14029	:	DECISION ON RENEWED
Int. Filing Date: 08 December 2003	:	
Priority Date: 18 December 2002	:	PETITION UNDER
Atty. Docket No.: 30882/SCG5205	:	
For: FIRE PROTECTION MEANS AND METHOD	:	37 CFR 1.47(a)
FOR THE PRODUCTION THEREOF	:	

This decision is in response to the applicant's "RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)" filed 31 January 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 January 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of inventor Paul Hendrikx. Applicant was afforded two months to file a renewed petition.

On 31 January 2007, applicant filed the renewed petition under 37 CFR 1.47(a) discussed herein.

DISCUSSION

As detailed in the decision mailed 05 January 2007, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the present filing of the declaration of Ms. Christine David applicant has provided sufficient evidence that the non-signing inventor has not responded with an executed declaration despite the diligent efforts of the applicant. Specifically, applicant has confirmed with a firsthand statement that Mr. Hendrikx has not responded to the mailing of 14 November 2006 which was mailed to a new last known address for the inventor. This period of non-response is

considered a refusal for the purposes of 37 CFR 1.47. Applicant previously provided search results of their attempts to find any other address for Mr. Hendrikx.

As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 08 December 2003 under 35 U.S.C. 363, and will be given a date of **14 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459